



**ADVISOR** that infringe upon and unfairly compete with MarketCounsel's common law service mark **THE ADVISER'S ADVISOR**.

### **THE PARTIES**

2. Plaintiff is a Limited Liability Company organized and existing under the laws of the State of New Jersey with its principal place of business located at 61 W. Palisade Avenue, Englewood, New Jersey 07631.

3. Upon information and belief, SourceMedia is a corporation organized in the State of New York with its principal place of business located at One State Street Plaza, 27<sup>th</sup> Floor, New York, New York 10004.

### **JURISDICTION AND VENUE**

4. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338(a) and (b) because MarketCounsel's claims arise under the trademark, service mark laws of the United States. This court also has supplemental jurisdiction pursuant to 28 U.S.C. §§ 1338(b) and 1367 over MarketCounsel's claims that arise under the laws of the State of New York.

5. This Court has personal jurisdiction over the parties to this action because (i) MarketCounsel's claims arise in this judicial district; (ii) SourceMedia conducts business in this judicial district; and (iii) all of the parties do business in this judicial district.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) because (i) MarketCounsel's claims arise in this judicial district; (ii) SourceMedia is located in this judicial district; (iii) all of the parties do business in this judicial district; (iv) witnesses and evidence are located within this judicial district; (v) and the acts complained of herein have taken place in this judicial district.

**MARKETCOUNSEL'S USE OF ITS SERVICE MARK**

7. MarketCounsel is the owner of the service mark **THE ADVISER'S ADVISOR** for use in connection with the providing of consulting services on securities compliance and regulatory matters. MarketCounsel has continuously provided its consulting services on securities compliance and regulatory matters since at least as early as August 1, 2000. Printouts from MarketCounsel's web site located at the u.r.l. [www.marketcounsel.com](http://www.marketcounsel.com) demonstrating MarketCounsel's use of its **THE ADVISER'S ADVISOR** mark are submitted herewith as Exhibit A.

8. MarketCounsel has expended substantial sums of money promoting, marketing and advertising its consulting services on securities compliance and regulatory matters under the **THE ADVISER'S ADVISOR** mark.

9. By virtue of MarketCounsel's extensive use of the mark **THE ADVISER'S ADVISOR**, the mark has developed significant consumer recognition and goodwill. The mark **THE ADVISER'S ADVISOR** has come to be widely recognized by the public as identifying MarketCounsel and its products.

**SOURCEMEDIA'S INFRINGEMENT**

10. Upon information and belief, on or about November 1, 2006, and long subsequent to MarketCounsel's use of its **THE ADVISER'S ADVISOR** mark, SourceMedia launched a new product called AdvisorMax. AdvisorMax purports to provide many of the same services as MarketCounsel; nonetheless, SourceMedia launched the new product with the slogan **THE FINANCIAL ADVISOR'S ADVISOR** prominently displayed on its marketing materials.

11. SourceMedia's use of the mark **THE FINANCIAL ADVISOR'S ADVISOR** is so similar to MarketCounsel's **THE ADVISER'S ADVISOR** mark that it is likely to cause confusion, mistake or deception as to the source or origin of AdvisorMax's services in that the

public is likely to believe that AdvisorMax's services are provided by, or sponsored by, or licensed by, or affiliated with or in some other way legitimately connected to MarketCounsel. Such public confusion has and will continue to cause irreparable harm to MarketCounsel.

12. The acts of SourceMedia are unlawful and were willful and knowingly performed with the intent and result of injuring MarketCounsel.

### **MARKETCOUNSEL'S NOTICE TO SOURCEMEDIA**

13. On December 27, 2006, counsel for MarketCounsel sent a cease and desist letter to SourceMedia demanding that SourceMedia immediately "cease and desist from any and all use whatsoever of the mark **THE ADVISER'S ADVISOR**." A copy of the cease and desist letter is attached hereto as Exhibit 2.

14. Since December 27, 2006, MarketCounsel and SourceMedia have exchanged numerous correspondences that have, unfortunately, not resulted in the resolution of this issue.

15. On February 26, 2008, MarketCounsel received registration of its mark, bearing Registration No. 3,388,634. A copy of the registration is attached as Exhibit B. SourceMedia did not challenge or oppose MarketCounsel's application.

16. As of April 18, 2008, SourceMedia has failed to comply with MarketCounsel's demand and has affirmatively acknowledged that it does not plan to comply in the future.

### **COUNT I**

#### **UNFAIR COMPETITION UNDER SECTION 43(a) OF THE LANHAM ACT**

17. MarketCounsel repeats and reallages each and every allegation contained in Paragraphs 1 through 16 of the Complaint as though fully set forth herein.

18. SourceMedia, through its conduct described above, has provided services under a colorable imitation of MarketCounsel's protectable **THE ADVISER'S ADVISOR** mark which is

likely to cause confusion or mistake and/or to deceive in violation of Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)).

19. SourceMedia has committed such acts of false designation of origin and false description and representation willfully and with full knowledge of MarketCounsel's prior use of, and rights in, its **THE ADVISER'S ADVISOR** mark.

20. As a result of SourceMedia's acts of unfair competition, MarketCounsel has suffered and will continue to suffer serious and irreparable harm for which there is no adequate remedy at law.

## COUNT II

### **COMMON LAW SERVICE MARK INFRINGEMENT AND UNFAIR COMPETITION**

21. MarketCounsel repeats and reallages each and every allegation contained in Paragraphs 1 through 20 of the Complaint as though fully set forth herein.

22. SourceMedia's aforesaid acts constitute infringement of MarketCounsel's rights in its common law service mark **THE ADVISER'S ADVISOR** and tend to falsely describe or represent that AdvisorMax's services were provided by, or sponsored by, or approved by, or licensed by, or affiliated with or in some other way legitimately connected to MarketCounsel and are of the same character, nature and quality as the services provided by MarketCounsel, thereby damaging MarketCounsel and MarketCounsel's reputation.

23. The acts of SourceMedia constitute acts of unfair competition against MarketCounsel under the laws of the United States including Section 43(a) of the Lanham Act and the common law of the State of New York. Additionally, such acts have been committed knowingly and willingly and have injured MarketCounsel in its trade and business.

24. By reason of the aforesaid acts, SourceMedia has caused damage to MarketCounsel and to the goodwill associated with MarketCounsel's mark.

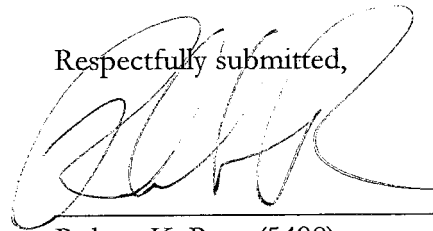
**PRAYER FOR RELIEF**

WHEREFORE, MarketCounsel demands judgment in its favor and against SourceMedia as follows:

1. That SourceMedia, and its agents, officers, directors, servants, distributors, affiliates, employees, attorneys and representatives and all those in privity or acting with SourceMedia, and each of them, be permanently enjoined and restrained from directly or indirectly:
  - a. Using the mark **THE FINANCIAL ADVISOR'S ADVISOR**, or any other marks confusingly similar thereto, alone or in combination with other words, names, styles, titles designs or marks in connection with the provision of financial services;
  - b. Using in any other way any other marks or designation so similar to MarketCounsel's aforesaid service mark as to be likely to cause confusion, mistake or deception;
  - c. Falsely designating the origin, sponsorship, or affiliation of AdvisorMax's services in any manner;
  - d. Otherwise competing unfairly with MarketCounsel in any manner;
  - e. Using any words, names, styles, designs, titles, designations, or marks which create a likelihood of injury to the business reputation of MarketCounsel or a likelihood of dilution of MarketCounsel's marks and the goodwill associated therewith;
  - f. Using any trade practices including those complained of herein, which tend to unfairly compete with or injure MarketCounsel's business and goodwill pertaining thereto; and

- g. Continuing to perform in any manner whatsoever any of the acts complained of in this complaint.
2. That SourceMedia be required to pay MarketCounsel compensatory damages for the injuries sustained by MarketCounsel in consequence of the unlawful acts alleged herein and that such damages be trebled pursuant to 15 U.S.C. § 17 because of the willful and unlawful acts as alleged herein.
3. That SourceMedia be required to account for and pay over to MarketCounsel all gains, profits and advantages derived by them from the unlawful activities alleged herein.
4. That SourceMedia be required to deliver for destruction all stationery, signs, advertisements, promotional flyers, cards, brochures, promotional materials and any other written material which bear the service mark **THE FINANCIAL ADVISOR'S ADVISOR** together with all plates, molds, matrices and other means and materials for making or reproducing the same.
5. That SourceMedia be required to pay to MarketCounsel all of its litigation expenses, including but not limited to reasonable attorney fees and the costs of this action.
6. That MarketCounsel be awarded such other and further relief as the Court may deem just and proper.

Respectfully submitted,



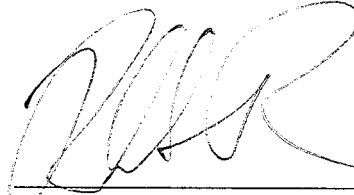
Robert K. Ross (5498)  
**HAMBURGER LAW FIRM, LLC**  
61 W. Palisade Ave.  
Englewood, NJ 07631  
Tel: (201) 705-1200  
Fax: (201) 705-1201

Attorneys for Plaintiff, MarketCounsel, LLC

Dated: April 18, 2008

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury on all claims for relief alleged herein on which plaintiff has a right to trial by jury.

A handwritten signature in black ink, appearing to read 'RKR', is positioned above a horizontal line.

Robert K. Ross (5498)

**HAMBURGER LAW FIRM, LLC**

61 W. Palisade Ave.

Englewood, NJ 07631

Tel: (201) 705-1200

Fax: (201) 705-1201

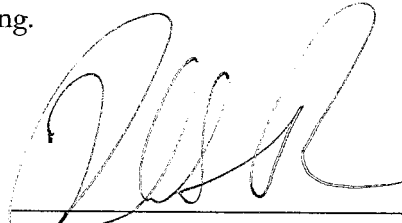
Attorneys for Plaintiff, MarketCounsel, LLC

Dated: April 18, 2008



**L.CIV.R. 11.2 CERTIFICATION**

The matter in controversy is not the subject of any other action pending in any other court or any pending arbitration or administrative proceeding.

A handwritten signature in black ink, appearing to read 'Ross', is written over a horizontal line.

Robert K. Ross (5498)

**HAMBURGER LAW FIRM, LLC**

61 W. Palisade Ave.

Englewood, NJ 07631

Tel: (201) 705-1200

Fax: (201) 705-1201

Attorneys for Plaintiff, MarketCounsel, LLC

Dated: April 18, 2008

# EXHIBIT A

MarketCounsel | The Adviser's Advisor - Windows Internet Explorer provided by MarketCounsel


File Edit View Favorites Tools Help

Back Search Favorites

http://www.marketcounsel.com/ Go

Google

Go Bookmarks Check Look for Map Send to Settings



# MARKETCOUNSEL

THE ADVISER'S ADVISOR

## PRODUCTS & SERVICES

- Guides
- Services for New Advisers
- Services for Existing Firms
- Market Consulting
- Plan Development
- Service Coordination
- Compliance Plans
- Adviser
- Speaker Bureau

## Members / Clients

- Compliance Department Center
- Public Awareness
- Adviser's Choice
- Communications Strategy
- Speaker's Platform
- Investor Business
- Directors' Dashboard
- Compliance


## ABOUT US

We are MarketCounsel, a business and regulatory compliance consulting firm dedicated to the success of our clients: entrepreneurial investment advisory firms nationwide. Our comprehensive service offering revolves around sound, yet business-savvy, regulatory compliance solutions for a focused niche of clientele. We pair best-of-class compliance professionals with state-of-the-art technology to deliver such solutions and meet our clients' needs. Our affiliated law firm, the Hamburger Law Firm, renders a carefully-coordinated array of legal services to clients to prevent the traditional lack of accountability between legal and compliance.

There are other registration services and law firms that promote certain overlapping services, but none can consistently meet the demanding needs of the country's best money management, investment management and financial planning firms, and deliver results, quite like MarketCounsel.


[Learn more >](#)

## SERVICES




### RIA INCUBATOR

The RIA Incubator program is a comprehensive suite of services specifically designed to provide new registered investment advisers with the business and regulatory consulting they need while fulfilling their registration obligations and installing an initial compliance program. [Learn More](#)



### RIA INSTITUTE for COMPLIANCE MANAGEMENT

The RIA Institute for Compliance Management is a robust and proactive compliance management platform the country's preeminent entrepreneurial investment advisers. The solution uses a cooperative compliance department approach and is designed for those firms unwilling to waver on regulatory compliance. [Learn More](#)



### Custom Compliance Platform

The Custom Compliance platform serves the needs of some of the country's preeminent financial institutions, venture capital firms, and publishers delivering our speakers' and writers' bureaus, comprehensive due diligence and compliance solutions.

## The Market Counsel Family

### Hamburger

The Hamburger Law Firm is a boutique firm that maintains a national practice in areas that appropriately address the needs of its clients: investment advisers, broker-dealers, hedge funds, and registered securities personnel. [Learn More >](#)

### Mail

The MailBanc division of MarketCounsel offers technology solutions that address the risk and compliance concerns of investment advisers in managing their electronic communications channels. [Learn More >](#)

### Identity

MarketCounsel's Advisor Identity division offers ad agency services and turnkey marketing solutions for financial advisers. [Learn More >](#)

### BREAKAWAY

MarketCounsel's Breakaway Broker branded services address the unique needs of financial advisers leaving the employment of a brokerage firm.

Internet

# EXHIBIT B



Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

**United States Patent and Trademark Office**

Reg. No. 3,388,634

Registered Feb. 26, 2008

**SERVICE MARK  
PRINCIPAL REGISTER**

**THE ADVISER'S ADVISOR**

MARKETCOUNSEL, LLC (NEW JERSEY LTD  
LIAB CO)  
61 WEST PALISADE AVENUE  
ENGLEWOOD, NJ 07631

FOR BUSINESS CONSULTATION SERVICES IN  
THE FIELD OF SECURITIES COMPLIANCE AND  
REGULATORY MATTERS, IN CLASS 35 (U.S. CLS.  
100, 101 AND 102).

FIRST USE 8-1-2000, IN COMMERCE 8-1-2000.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-223,161, FILED 7-6-2007.

BRENDAN REGAN, EXAMINING ATTORNEY



The United States of America



**CERTIFICATE OF REGISTRATION  
PRINCIPAL REGISTER**

*The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.*

*The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.*

*A copy of the Mark and pertinent data from the application are part of this certificate.*

*To avoid CANCELLATION of the registration, the owner of the registration must submit a declaration of continued use or excusable non-use between the fifth and sixth years after the registration date. (See next page for more information.) Assuming such a declaration is properly filed, the registration will remain in force for ten (10) years, unless terminated by an order of the Commissioner for Trademarks or a federal court. (See next page for information on maintenance requirements for successive ten-year periods.)*



*Jon W. Dudas*

Director of the United States Patent and Trademark Office



JS 44 (Rev. 12/07, NJ 1/08)

**CIVIL COVER SHEET**

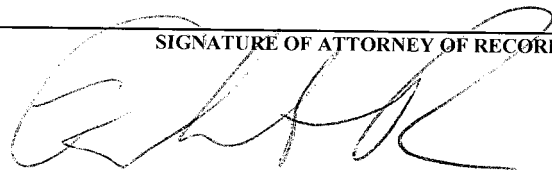
The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> MarketCounsel, LLC  <b>(b)</b> County of Residence of First Listed Plaintiff <u>BERGEN</u>  <b>(c)</b> Attorney's (Firm Name, Address, Telephone Number, and Email Address) Robert K. Ross, Esq. c/o Hamburger Law Firm, LLC 61 W. Palisade Avenue, Second Floor Englewood, NJ 07631 (201) 705-1226		<b>DEFENDANTS</b> SourceMedia, Inc.  County of Residence of First Listed Defendant <u>New York</u>  NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.  Attorneys (If Known)																									
<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) <table style="width:100%; border: none;"> <tr> <td style="width: 33%;">Citizen of This State</td> <td style="width: 10%; text-align: center;"><b>PTF</b></td> <td style="width: 10%; text-align: center;"><b>DEF</b></td> <td style="width: 33%;">Incorporated or Principal Place of Business In This State</td> <td style="width: 10%; text-align: center;"><b>PTF</b></td> <td style="width: 10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td></td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td></td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		Citizen of This State	<b>PTF</b>	<b>DEF</b>	Incorporated or Principal Place of Business In This State	<b>PTF</b>	<b>DEF</b>		<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1		<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes																											
<b>V. ORIGIN</b> (Place an "X" in One Box Only) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment																											
<b>VI. CAUSE OF ACTION</b>		Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>15 U.S.C. §1125</u> Brief description of cause: <u>trademark infringement</u>																									
<b>VII. REQUESTED IN COMPLAINT:</b>		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <b>DEMAND \$</b> CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																									
<b>VIII. RELATED CASE(S)</b> (See instructions): JUDGE _____ DOCKET NUMBER _____ Explanation: _____																											

DATE

SIGNATURE OF ATTORNEY OF RECORD

4/18/08



**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases. Provide a brief explanation of why the cases are related.

**Date and Attorney Signature.** Date and sign the civil cover sheet.